

**STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION**

**475<sup>TH</sup> REGULAR BOARD MEETING**

**Minutes**

**Board Meeting Date:** Thursday, July 1, 2004  
**Meeting Location:** City of Simi Valley, Council Chambers  
2929 Tapo Canyon Road  
Simi Valley, CA

**Call to Order:**

Chair Diamond called the meeting to order at 9:17 a.m.

**Roll Call**

Members Present: Julie Buckner-Levy, Susan Cloke (Vice Chair), Francine Diamond (Chair), Bradley Mindlin, David Nahai and Timothy Shaheen  
Members Absent: Keith McDonald and Tim Shaheen

**Order of Agenda**

Motion: Continue the following items 8.2 and 11; and to begin the morning session with Item 14.  
First: Mindlin  
Second: Nahai  
Support: Buckner-Levy, Cloke, Diamond, Mindlin, Nahai and Shaheen  
Oppose: None  
Abstain: None

**Approval of Minutes**

Approval of the minutes for the June 10, 2004 Regular Meeting postponed.

**Board Member Communications**

Cloke: Represented Board at the Urban Watershed Forum; Participated in settlement negotiations related to *US/EPA and Los Angeles Regional Water Quality Control Board vs. City of Los Angeles*.  
Diamond: Represented the Board at US/EPA Brownfields Grant Award Ceremony  
Nahai: Represented the Board at US/EPA Brownfields Grant Award Ceremony

## **Executive Officer's Report**

Report given by Jonathan Bishop, Acting Executive Officer, and posted on the Board's website: [www.swrcb.ca.gov/~rwqcb4/html/eo\\_reports/eo\\_reports.html](http://www.swrcb.ca.gov/~rwqcb4/html/eo_reports/eo_reports.html).

## **Public Forum**

The following individuals addressed the Board:

- David Burhenn, Counsel, Burhenn and Guest, representing County of Los Angeles. Reported that County staff was working diligently to develop a County-specific MOU which could serve as a role model for cities within the Los Angeles County. Noted that staff hoped to have a proposed MOU developed by August, 2004; additional time (up to six weeks) may be required to complete internal reviews and to obtain required approvals by the Board of Supervisors; and this may require the Board to extend its current waiver.
- Dr. Shelley Luce, Heal the Bay. Noted that the ACL against Shay Homes for stormwater BMP violations resulted in a fine of only \$34,000 and that the maximum penalty allowed was \$3.3 million. Speaker noted that the \$34,000 fine was extremely low given the extent, nature and impact of the violations and the size of the company.

## **Uncontested Items**

Motion: That the following agenda items be called uncontested items and approved: 8.3, 8.4, 9.2, 10.1, 13.1 and 13.2

First: Nahai

Second: Shaheen

Support: Buckner-Levy, Cloke, Diamond, Mindlin, Nahai and Shaheen

Oppose: None

Abstain: None

## **Information Item**

14. Update on Boeing Santa Susana Filed Lab

Staff Report: None.

Speakers:

- Jim Pappas, Chief of Northern California Permitting and Corrective Action Branch, Department of Toxic Substances Control. (Provided a summary report on the location, geographic nature and history of the site along with a summary report on recent and future activities to determine the location, type and extent of chemical and radioactive contamination at the site.)
- Gerard Abrams, Project Manager for Corrective Action, Department of Toxic Substances Control. (Provided additional information on the nature and history of the site and a summary report on the work being conducted and the technology being used to characterize surface, bedrock and groundwater contamination at the site.)

Board Discussion Topics;

- Groundwater movement; Impact of fractures on groundwater movement; Possibility of groundwater transporting contaminants off-site and

daylighting; Relationship between workplan and interim plan; Size and movement of plume; Length of time to complete site characterization and remediation; and Relationship of pace of work at this and similar sites.

## **Waste Discharge Requirements**

### **8.1 The Boeing Company (Santa Susana Field Laboratory), Simi Hills.**

Chair Diamond announced that the discussion would be limited to items the Board directed staff to investigate during it's May 2004 meeting.

Specifically: reasonable potential, independent monitoring, website availability, public outreach, and enhanced monitoring and site cleanup activities overseen by DTSC.

Public Hearing was opened and Oath administered.

Staff report given by Blythe Ponak-Bacharowski, assisted by Michael Lauffer, David Hung and Cassandra Owens

Public Comment:

- Steve Lafflam, The Boeing Company.
- Dan Hirsch, President, Committee to Bridge the Gap
- Linda Parks, District 2 Supervisor, County of Ventura
- Holly Huff, Resident, Santa Susana Knolls
- Dr. Jonathan Parfrey, Executive Director, Physicians for Social Responsibility, Los Angeles
- Dorothy Boberg
- Bonnie Klea, Resident, West Hills
- Damon Wing, Ventura CoastKeeper
- Dr. Shelley Luce, Science and Policy Director, Heal the Bay
- Dorri Raskin, Resident, Northridge

Chair rules to incorporate the presentation made by DTSC representatives during Information Items (Agenda Item #14) into this discussion; the oral presentation made by Dan Hirsch will be incorporated into this discussion; written material provided by Dan Hirsch will be included in Board files but not part of the hearing's administrative record.

Board Discussion Topics:

- Relationship of Reasonable Potential Analysis (RPA) to monitoring data; Procedures for addressing newly discovered contaminants when effluent limits are absent; Frequency of RPA for this site; Reasons why Best Professional Judgement was not used to establish effluent limits for a known contaminant, notably TCE; Rationale for not including effluent limits for known contaminants when said does not prejudice the Permittee; Possibility that monitoring locations are not located where contamination, notably TCE, has moved; Possibility for requiring increased monitoring; Possibility of automatically incorporating effluent limits into the permit whenever a contaminant was detected; Staff participation in the Interagency Work Group; Desirability of independent, intermit and/or more extensive monitoring; Possibility of including expedited reporting and response requirements; Enforcement history of the site; Provisions in Step 7 which allow for the use of Best Professional Judgement for factors

beyond the historical effluent monitoring plan; Desirability of monitoring per discharge for all contaminants at all outfalls; Posting of sampling data and other technical information on Boeing's or Board's web site; Possible inconsistencies in DTSC and Board procedures which could prohibit timely response and enforcement actions;

Motion: Adopt the proposed permit, amended as follows:

- Include two Findings (Finding No 70 and 71 of Page 26 of the WDR) describing the basis for including an effluent limit for trichloroethylene
- WDR, Page 31: Include a daily maximum effluent limit of 5 ug/L and a daily maximum mass of 6.7 lbs/day for trichloroethylene.
- WDR, Page 35 Section B7. Edit to read as follows:

With the exception of Outfalls 001 and 002, in the event that an effluent limitation set for the above for a pollutant other than a radioactive material is exceeded and the Discharger presents within 30 days of discovery documentation that (i) discharges from a solid waste management unit (unit) regulated by DTSC are causing or contributing to the violation, and (ii) the Discharger was in compliance with all applicable requirements of DTSC permits and corrective action requirements for the unit, and (iii) modifications to DTSC's permit or corrective action requirements are necessary to consistently comply with this Order, the Discharger, DTSC and Regional Board will work cooperatively to develop a schedule that is as short as possible to take appropriate actions under the RCRA corrective action requirements or permits, as appropriate, to ensure compliance with this Order. This Order may be reopened and modified, in accordance with applicable interim limits while the appropriate actions are being taken under the RCRA corrective action requirements or permits.
- WDR, Page 43, Item III. Add the following statement to the end of the Finding:

Boeing shall report to the Regional Board any monitoring data that exceeds the detection limit for monitored constituents without effluent limits. The report shall be reported, via facsimile, within 24 hours of the Discharger receiving the data from the lab.

Regional Board shall bring a reopener to the Regional Board within 90 days of determining that reasonable potential exists to cause or to contribute to an exceedance of water quality standards.
- Include trichloroethylene as a separate analyte on Page T-6 of the Monitoring and Reporting Program No. 6027 with a monitoring frequency of once per discharge event.
- Delete trichloroethylene from the footnote that appears on Page T-6 of the Monitoring and Reporting Program No. 6027.
- Edit Item V.G. on Page 29 of the Fact Sheet to add two paragraphs to describe the Best Professional Judgement rationale used to include an effluent limit for trichloroethylene.

- Edit Item VI.A on Page 34 of the Fact Sheet to include a daily maximum effluent limit for trichloroethylene of 5 ug/L with the rationale specified as the BPJ and the Basin Plan Objective to protect groundwater recharge beneficial use.

First: Nahai

Second: Cloke

Support: Buckner-Levy, Cloke, Diamond, Mindlin, Nahai and Shaheen

Oppose: None

Abstain: None

### **Consideration of Non-NPDES Requirements (New, Revision)**

9.1 The Boeing Company, Santa Susana Field Laboratory (Land Treatment of Perchlorate-Contaminated Soil), Ventura County

Public Hearing Opened and Oath Administered

Staff Presentation: Rod Nelson

Public Comment:

- Steve Lafflam, The Boeing Company
- Evan Cox, Geosyntec
- Ray LeClerc, Senior Engineer, Department of Toxic Substances Control

Chair rules to incorporate the presentation made by DTSC representatives during Information Items (Agenda Item #14) into this discussion

Board Discussion Topics:

- Capacity of technology bioremediating soils underground three or more feet; Use of technology elsewhere on the property and deeper in soils; Effect of watering and saturation of soils on perchlorate and contaminant migration; Results of using this technology at other sites in California; Procedures followed after completion of treatment; Closure requirements; Fate of ancillary material after completion of treatment and closure;

Motion: To approve staff's proposed Waste Discharge Requirements for the Boeing Company.

First: Cloke

Second: Nahai

Support: Buckner-Levy, Cloke, Diamond, Mindlin, Nahai and Shaheen

Oppose: None

Abstain: None

### **Basin Planning**

12. Consideration of a Proposed Resolution Amending the Water Quality Control Plan (Basin Plan) to Incorporate a Total Maximum Daily Load to Reduce Bacteria at the Los Angeles Harbor Including Inner Cabrillo Beach and the Main Ship Channel.

Public Hearing Opened and Oath Administered

Staff Report: Samuel Unger, assisted by Dr. L.B. Nye

Public Comment

- Dr. Mark Gold, Executive Director, Heal the Bay
- Carrie Inciong, Department of Public Works, County of Los Angeles

- Donna Chen, Harbor Department, City of Los Angeles
- Dr. Gerald Green, Los Angeles County Executive Advisory Committee
- Blaine Franzen, Public Works Department, City of Lawndale
- Ken Farsing, City Manager, City of Signal Hill and Representing Coalition for Practical Regulation
- Dr. Susan Paulsen, FlowScience

Board Discussion Topics

- Capital costs associated with the proposed TMDL; Financing options and opportunities; The use of amortizing calculations; Appropriateness of listing the Inner Harbor for bacteria under the 303(d) list; Relationship of 4-year reopener to the Santa Monica Bay TMDL; Legal requirement for an assimilative capacity study; Adequacy of CEQA document; Legal requirement for and adequacy of a cost-benefit or an economic analysis; Appropriateness of a REC-1 designation of the Main Ship Channel; Impact of adoption of TMDL on any future Use Attainability Analysis; and Ability to change time frames once the TMDL is adopted;

Motion: To adopt the Resolution for the TMDL for bacteria for the Los Angeles Harbor

First: Cloke

Second: Nahai

Support: Buckner-Levy, Cloke, Diamond, Mindlin, Nahai and Shaheen

Oppose: None

Abstain: None

Adjournment

Motion: To Adjourn the July 2004 Regular Meeting.

First: Diamond

Second: Shaheen

Support: Buckner-Levy, Cloke, Diamond, Mindlin, Nahai and Shaheen

(Meeting Adjourned at 4:45pm)